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October 15, 2013  
VIA ECF AND MESSENGER

The Honorable Robert P. Patterson  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Levin v. Bank of New York, et al., Case No 09 Civ. 5900 (RPP) (MHD)**

Dear Judge Patterson:

We are counsel to third-party defendants the Estate of Michael Heiser, *et al.* (the "Heisers") in connection with the above-referenced action and write on behalf of the Heisers, the Greenbaum and Acosta Judgment Creditors, and the Levin Plaintiffs (collectively, the "Judgment Creditors") regarding the letter from [REDACTED] dated October 11, 2013 (Dkt. Entry No. 937).

The Judgment Creditors confirm that the Judgment and Order Directing Turnover of Funds and Discharge dated October 9, 2013 (Dkt. Entry No. 936) (the "Phase Two Order") provides that the funds [REDACTED] allegedly intended for [REDACTED] will not be paid out until such time that the [REDACTED] application to OFAC (the "[REDACTED]") is denied. The Court's Opinion and Order of September 19, 2013 (Dkt. Entry No. 925) (the "Opinion and Order") expressly addressed the [REDACTED] and held that "[t]he inclusion in this Order of funds pending before OFAC is conditioned upon the denial of the OFAC license [application]." Opinion and Order, 30. As noted by [REDACTED] the Phase Two Order incorporates by reference the Opinion and Order, stating that the "Opinion and Order is hereby incorporated by reference." Opinion and Order at ¶ 3. Accordingly, the [REDACTED] will be held in the blocked account at [REDACTED] until such time as the [REDACTED] is denied by OFAC. Upon the denial of the [REDACTED] by OFAC, [REDACTED] shall pay the [REDACTED] to the Judgment Creditors.

Respectfully yours,

DLA Piper LLP (US)

Richard M. Kremen  
Partner

cc: Christopher J. Hought  
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